**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**(Special Original Jurisdiction)**

**THURSDAY, THE EIGHTH DAY OF JULY**
**TWO THOUSAND AND FOUR**

**PRESENT**

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 25789 of 2003**

**Between:**

S. Bala Kotaiah, S/o Pothuraju,
R/o H.No. 8-8-22/1, Near Sarada Talkies, Narsapur, West Godavari District,
Pin 534 275

**..... PETITIONER**

AND

1 Transport Commissioner of the State of A.P. Vth Floor, B.R.K.

Complex, Tank Bund Road,
Hyderabad - 500 029.
2 Deputy Transport Commissioner , West Godavari District, Eluru,
West Godavari District- Pin: 534 006.
3 Chair-person Road Transport Authority of West Godavari

District, (District Collector) Eluru,
West Godavari District- Pin: 534 006.
4 Regional Transport Officer, Bhimavaram
West Godavari District- Pin: 534 201.
5 T. Ramesh, s/o Someswara Rao,
Mogaltur, Mogaltur Mandal West Godavari District- Pin: 534

281.
6 K. Pentarao, S/o Simhachalam,
D.No. 12-2-18, Bantrolulavari Street, Bhimavaram, West

Godavari District- Pin: 534 201.
7 Mylabattula Marraju, S/o Ramanna,
D.No. 2-14, Vemula Deevi, Narsapur Mandal, West Godavari

District- Pin: 534 275.
8 P. Yesubabu, S/o Venkata Rao,
D.No. 7-52, Lakshmaneswaram, Narsapur Mandal, West

Godavari District- Pin: 534 275.
9 P. Srinivasa Rao, S/o Peddi Raju,
Durgapuram, Bhimavaram, West Godavari District-

Pin: 534 201.
10 P. Narasimharaju, S/o Nageswara Rao,
26th Ward, Arundathipeta, Narsapur Mandal, West Godavari

District- Pin: 534 275.
11 Kondeti Srinu, S/o Pedakapu,
Vemuladeevi, Narsapur Mandal, West Godavari District –

Pin 534 275.
12 Ande Peda Srinu,
Chagantivarimeraka, Lakshmaneswaram, Narsapur Mandal

West Godavari District - Pin 534 275.

13 Pothireddy Pentaiah,
Kummaripeta, Narsapur, West Godavari District - Pin 534 275.
14 Nethala Kumarraju, S/o Narayanamurthy,
Dharbharevu, Narsapur Mandal, West Godavari District –

Pin 534 275.
15 Lottu Satyanarayana, S/o Kotaiah,
Velampeta, Narsapur West Godavari District - Pin 534 275.
16 Koppineedi Varahala Rao, S/o Narayana Swamy,
Rustumbada, Narsapur, West Godavari District - Pin 534 275.
17 Bonam Venkataswamy, S/o Venkata Satyanarayana,
Lakshmaneswaram, Narsapur, West Godavari District –

Pin 534 275.
18 Murala Ramachandra Rao, S/o Musalaiah,
Vemula Deevi, Narsapur Mandal, West Godavari District –

Pin 534 275.
19 Pethala Gangaraju, S/o Surya Rao,
Nandamuri Colony, Indiranagar, Narsapur, West Godavari

District - Pin 534 275.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant a writ, order or direction particularly Writ of Mandamus declaring that the inaction of the Respondents 1 to 4 to check and prevent the illegal activity of the auto rickshaw-operators on the city bus route or on the overlapping portions of the route, running from the Women's College, Narsapur to Vemula Deevi Via Masakapalli, Lakshmaneswaram Temple, Rajula Lanka, Darbha Revu on which this petitioner is holding and running a pucca route permit stage carriage bus, is highly unjust, improper, contrary to law, violative of the Fundamental Rights and the principles of natural justice, and consequently, to direct the respondents 1 to 4 to take all preventive steps invoking and exercising their statutory powers vested in them for checking and preventing such unauthorised running of the auto rickshaws without any necessary permits or any competency to run the auto rickshaws as stage carriages, and to protect the interests of the petitioner vested in him, under the stage carriage permit held by him for the route, and to grant such other, or further

reliefs, which the Hon'ble Court may be pleased to deem fit, just and proper in the circumstances of the case.

**Counsel for the Petitioner:MR.D.RAMALINGA SWAMY**

**Counsel for the Respondent Nos. 1 to 4 : GP FOR TRANSPORT**

The Court made the following :

ORDER:

Petitioner, who obtained a pucca stage carriage permit on the existing town service route from Narsapur Womens College to Vemula Deevi, via Rajula Lanka and Darbha Revu, filed the present writ petition, contending that due to the unauthorized running of auto rickshaws in the route, on which the petitioner, who obtained pucca route permit, is suffering loss and the authorities are not taking any action to curb plying of the auto rickshaws.

In response to Rule Nisi, the 2nd respondent-Deputy Transport Commissioner, Eluru, filed a counter stating that necessary instructions were already issued by the Regional Transport Officer, Bhimavaram to conduct special drives with the help of executive staff to control the illicit operation of auto rickshaws, which are plying unauthorisedly and they are taking every possible step to prevent the unauthorized plying of auto rickshaws and the authorities also booked number of cases against the persons who are unauthorisedly plying auto rickshaws.

In view of the same, no further direction needs to be issued since the necessary steps have been already taken by the authorities to curb the unauthorized plying of auto rickshaws.

The Writ Petition is accordingly disposed of. No costs.

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kvr 8th July, 2004

To

1 Transport Commissioner of the State of A.P. Vth Floor, B.R.K.

Complex, Tank Bund Road,
Hyderabad - 500 029.

2 Deputy Transport Commissioner , West Godavari District, Eluru,
West Godavari District- Pin: 534 006.

3 Chair-person Road Transport Authority of West Godavari

District, (District Collector) Eluru,

WestGodavariDistrict-Pin:534006.

4 Regional Transport Officer, Bhimavaram
West Godavari District- Pin: 534 201.

5 Two CCs to the G.P. for Transport, AP High Court buildings,

High court of A.P., Hyderabad.(O.U.T.)

6 Two C.D. copies.